

UCT-A A08

Application No. 09/322,174

better. Small flakes are not believed to give results that are as good as do large flakes, as claimed. It is believed that the larger the flakes, the higher the specular reflection and the more metallic the look.

The combination rejections of the claims are based on the same questionable understanding of the art as is the above discussed rejection of claims 54-56.

Claims 54-58, 62, 63, 66, 67, 70, 71, 74 and 75 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that is not enabled, since the text does not describe the preparation of dry toner. Applicants respectfully disagree. In view of the following comments, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Firstly, the application indicates, at least at page 12, line 7 that powder toners can be used. Second, the method of making the toner particles, as described at page 14, line 31 to page 15, line 27, results in toner particles in a liquid. It would have been immediately obvious to a person of the art that the thus produced toner particles, could be used in powder toner by simply evaporating the carrier liquid. This method of producing powder toner from a toner particles in a liquid is very well known in the art.

Claims 65, 66 and 67 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that is not enabled, since the application does not teach how to electrify the particles. Applicants respectfully disagree. In view of the following comments, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Applicants note that the application at page 13, line 29 to page 14, line 27, teaches a method of preparing white toner. The application states, specifically at page 14, line 24 that the "material is charged as described above", referring to page 12, line 36 to page 13, line 5. At page 14, lines 28-30, the gold and silver flake toners are described as being "prepared in a manner similar to the first method for producing white toner ink". A person of ordinary skill in the art would have applied the taught method for charging to the gold and silver inks, especially in view of the fact that reference is made in the disclosure to their being used in a well known electrophotographic printer and a method which clearly uses charged toner (page 15, lines 7-9).

As to the Examiner's suggestion that the application should be updated in reference to any U.S. Applications, applicants point to MPEP §608.01(p) (first full paragraph on page 600-80 of (what is believed to be the latest edition) the MPEP), in which any such required change should be made by Examiner's amendment. Applicants further note that there is also an application mentioned on page 3. For the Examiner's information USSN 08/301,775 issued as US 5,508,790, USSN 07/915,291 issued as US 5,346,796 and USSN 08/371,117 issued as 5,745,829.

Kindly direct all telephone inquiries to the undersigned at 1-(877) 428-5468. Please note


UCT-A A08

Application No. 09/322,174

that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

In view of the above arguments, applicants submit that the application is in order for allowance. Notice to that effect is respectfully awaited.

Respectfully submitted,
B. LANDA, et al.


Paul Fenster
Reg No. 33,877

February 21, 2002
William H. Dippert, Esq.
Cowan, Liebowitz and Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036-6799

METALLIC TONER FOR ELECTROPHOTOGRAPHY

Patent Number: JP62127753
Publication date: 1987-06-10
Inventor(s): HONDA YOKO
Applicant(s): MITA IND CO LTD
Requested Patent: ☐ JP62127753
Application Number: JP19850267094 19851129
Priority Number(s):
IPC Classification: G03G9/08
EC Classification:
Equivalents: JP1948638C, JP6073029B

Abstract

PURPOSE: To obtain a toner for electrophotography having an excellent ornamental feel of metallic color tones by incorporating fish scales together with a coloring agent into a toner.
CONSTITUTION: This toner is compounded with the fish scales together with a resin for fixing, coloring agent and compounding agents for the toner. The fish scales to be used themselves have excellent transparency and are like extremely thin foil having an interference characteristic. More specifically, the fish scales form the laminar structure in which the fish scales are arranged in approximately parallel with the surface of the paper by a fixing pressure when the toner prepd. by dispersing such fish scales into the resin medium for fixing is fixed on the paper. Light beams incident upon the fixed image formed with such laminar structure of the fish scale foil reflect on the foil and interfere with each other and therefore, metallic gloss is obtd.

Data supplied from the esp@cenet database - 12

<http://12.espacenet.com/dips/abstract?CY=gb&LG=en&PNP=JP62127753&PN=JP62127753&...> 2/21/2002

FENSTER & COMPANY**Patent Attorneys, Ltd.**

P.O. Box 10256 Petach Tikva 49002, Israel

+81-3-3591-5248 e-mail: fensterco@fenster.co.il

Tel: +972-3-921 5380 Fax: +972-3-921 5383

Deliveries: 3rd Floor, Entrance #3, Basel Street 16, Kiryat Arye, Petach Tikva
49510, Israel

BY FAX: +81-3-3591-5248 (Pages 1+1)

EXTREMELY URGENT

February 21, 2002

Mr. Masatoshi Kurata
Suzuye & Suzuye
Kasumigasaki UBE Bldg.
3-7-2 Kasumigasaki, Chiyoda-ku
Tokyo 100-0013
Japan

RE: U.S. Patent Application No. 09/322,174; Benzion Landa, et al.; "Toner
Material and Method Utilizing Same (Amended)"; Our Ref: UCT-A

Dear Mr. Kurata,

I need some information regarding the Japanese Patent Publication 62-127753. I
enclose a copy of the patent abstract of this publication.

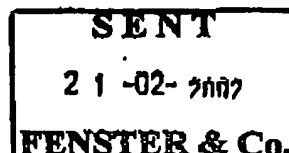
I have the following questions:

1. Are metal flakes used in the toner of this patent?
2. If metal flakes are used, is any indication of their size given?
3. If metal flakes are used, are they dispersed in a polymer binder?
4. If metal flakes are used, is the toner a dry powder toner or a liquid toner?

Yours sincerely,



Paul Fenster, Ph.D.
Patent Attorney



UCT-A Questions to Suzuye SU